

The State of South Carolina

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Office of the Attorney General

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June 11, 1985

The Honorable James G. Fickling
Clerk of Court for Barnwell County
Post Office Box 723
Barnwell, South Carolina 29812

Dear Mr. Fickling:

You have requested the opinion of this office as to the relationship of Section 8-21-310 of the Code of Laws of South Carolina (1976) to the earlier passed Section 4-1-150 of the Code. A previous opinion of this office held that fees in addition to those permitted by Section 8-21-310 and for items not covered by its provisions would be improper. See Ops. Atty. Gen. (June 19, 1980). This opinion did not consider how Section 8-21-310 would affect Section 4-1-150 of the Code which states that fees charged by Clerks of Court and Registers of Mesne Conveyances for recording, indexing and "other services..." may be established by ordinance of the governing body of the county.

The following rule of construction is applicable here:

"Statutes in pari materia, although in apparent conflict, are so far as reasonably possible construed to be in harmony with each other. But if there is an irreconcilable conflict between the new provision and the prior statutes relating to the same subject matter, the new provisions will control as it is the later expression of the legislature." Sutherland Statutory Construction, Vol. 2A §51.05, 4th Ed.

Here, Section 8-21-310 mandates certain fees and is much more specific and more recent than Section 4-1-150 of the Code which contains language worded in a more general, more discretionary manner. See, Sutherland §§51.02, 51.05, and 57.03. Therefore, the

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reasonable construction of these two statutes is that, Section 8-21-310 is controlling as to fees and costs, except as otherwise "expressly" provided; and that Section 4-1-150 would only permit charges for such "other" services as copying, as noted in the June 19, 1980 opinion. We express no opinion as to fees for "other services" which the counties may establish.

If you have additional questions, please do not hesitate to contact me.

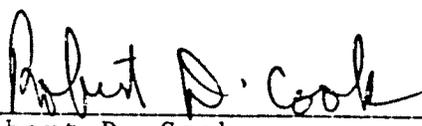
Yours very truly,



J. Emory Smith, Jr.
Assistant Attorney General

JESjr/srcj
Enclosure

REVIEWED AND APPROVED:



Robert D. Cook
Executive Assistant for Opinions